

**DISTRICT COURT OF THE U.S. VIRGIN ISLANDS
DIVISION OF ST. THOMAS & ST. JOHN**

**John St. Rose, Monroe Loctar, and
Derrick James, individually and on
behalf of all others similarly situated,**

Plaintiffs

v.

**Spartan Concrete Products, LLC, and
Warren Mosler**

Defendants.

Case No. 3:19-cv-00117

Jury Trial Demanded

Putative Class Action

DECLARATION OF C. JACOB GOWER, ESQ.

I, C. Jacob Gower, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I make this declaration in support of Plaintiff's Opposition to Spartan Concrete Products, LLC and Warren Mosler's Motion for Summary Judgment.

2. The Court's case management order only provides deadlines through class certification.

3. The parties have yet to conduct merits discovery.

4. If afforded Rule 56(d) relief, Plaintiff will notice the depositions of the principals and several agents and employees of Spartan and Heavy Materials.

5. Plaintiffs anticipate that the depositions will yield additional evidence that Spartan and Heavy Materials structured their agreement in a way to prevent members of the Virgin Islands community from learning about its true nature. Stated differently, the evidence will show that the agreement was self-concealing by design.

6. Plaintiffs also anticipate that the depositions will yield evidence that Spartan, Heavy Materials, and/or their respective agents actively concealed their conduct by telling members of the

Virgin Islands business community and retail purchasers of ready-mix concrete that Spartan's cessation of business on St. Thomas and Heavy Materials's cessation of business on St. Croix were the result of voluntary actions and market forces.

7. Plaintiff further anticipates deposing Spartan, Heavy Materials, its agents and employees, and absent class members regarding whether the rise and prices and rumors about Defendants' conduct were "red flags" that should have prompted Mr. Loctar to investigate his claims for relief.

8. Plaintiff expects the evidence to show that neither the rise in prices nor rumors were "red flags" to a reasonably prudent consumer.

Executed on July 13, 2021.



C. Jacob Gower, Esq.